GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Appeal petition filed by Sri A. Jaya Rao S/o Paramanandam, Occ: Rtd., TTD Employee, R/o West Godavari District, against the proceedings No.C3/SR1/Vedurukuppam/ 2005, dated 09.03.2016 of the District Collector, Chittoor under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders - Issued.

SOCILA WELFARE (CV.1) DEPARTMENT

G.O.MS.No. 1 Dated: 04-01-2018

Read the following:

1. Proceedings of the District Collector, Chittoor, Lr.No.C3/SR1/ Vedurukuppam/2005, dated 09.03.2016.
2. Appeal Petition filed by Sri A. Jaya Rao, S/o Paramanandam, TTD Service, R/o Bheemavaram, West Godavari District, dated 06.04.2016.
3. Order of the Hon'ble High Court of Andhra Pradesh, Hyderabad in W.P.No.12161/2016, dated 13.04.2016.
4. Govt. Memo No.214740/CV.1/2016, dated 31.05.2016.
5. From the District Collector, Chittoor, letter No.C3/cer/22/2016, dated 13.09.2016.
6. Govt. Memo No.214740/CV.1/2016, dated 30.11.2016.
7. Written augments filed by the appellant before the Appellate Authority i.e. the then M(SWE&TWE) on 24.12.2016.
8. Govt. Memo No.214740/CV.1/2016, dated 17.08.2017.

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ORDER:

In the reference 1st read above, the District Collector, Chittoor has issued orders canceling the SC– Adi-Andhra/ Mala Caste Certificates obtained from the then Mandal Revenue Officer, Vedurukuppam in the year 2002 & 2005 by Sri A. Jaya Rao S/o A. Paramanandam, R/o Pachikapallem Village of Vedurukuppam Mandal.

2. In the reference 2nd read above, Sri A. Jaya Rao, S/o A. Paramanandam, has filed an Appeal Petition before the Government, against the proceedings of the District Collector, Chittoor. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for parawise remarks and connected records from the District Collector, Chittoor in the reference 4th read above.

3. In the reference 3rd read above, Sri A. Jaya Rao S/o A. Paramanandam has filed W.P.No.12161/2016 before the Hon'ble High Court of Andhra Pradesh, Hyderabad, against the Tirumala Tirupati Devasthnams, Tirupathi for termination of his service in TTD, based on the proceedings No.C3/SR1/Vedurukuppam/ 2005, dated 09.03.2016 of the District Collector, Chittoor. The Hon'ble High Court of Andhra Pradesh, Hyderabad while disposing the said W.P. on 13.04.2016 has directed the Government to pass appropriate orders on the appeal dated 06.04.2016 as expeditiously as possible and pending the said exercise, no coercive action shall be taken against the petitioner .

4. In the reference 5th read above, the District Collector, Chittoor has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri A. Jaya Rao S/o A. Paramanandam.

5. The said appeal petition has been posted for hearing on 24.12.2016 and finally on 16.09.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 6th & 8th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant have submitted written arguments in support of his SC-Adi- Andhra community claim, in the reference 7th read above.

(P.T.O)

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Chittoor and proceedings of the District Collector, Chittoor dated 09.03.2016, the Appellate Authority has observed that:

I. The appellant in his grounds has stated that the District Collector, inter alia in opinion stating that the appellant and his family members have already converted to Christianity, the said proceedings are issued. Further he has stated that he was appointed on 20.01.1979 and while working married D. Nirmala Kumari on 14.10.1989, who was a converted Christian, but he has continued to be a member of Hindu Schedule Caste Community, except his association with his spouse and her family members etc., the Appellant is neither converted as Christian nor follow the customs and habits of his spouse.

II. The District Level Scrutiny Committee has observed that the names of the brothers of the appellant , i.e., (1) John Williams, (2) Solomon and (3) Jacob clearly shows that they belong to Christian religion / community and he has agreed that the clans, customs, traditional activities and marriage patterns following in Hindu Mala (SC) community were not known to him. Further, the appellant while working as Principal in SV School for Deaf, Warangal during 1995 to 2002, has given evidence as PW 1 in CC No.7 of 2002, before the Spl. JFCM Court, Warangal that “I am the follower of Jesus Christ. Since my birth, I am Christian. My parents are also Christians”. In the same case, the Spl. JFCM Court, Warangal in their judgment in page 6, point 9 quotes that “PW 1 in categorical terms admitted that he is follower of Jesus Christ and since birth he is Christian. He further admitted that his parents are also Christians”. Hence, it is very clear that, the claimant Sri A. Jaya Rao is a Christian by birth and practicing the same. But, the appellant in this case has not submitted any documentary evidences before the District Level Scrutiny Committee to substantiate his caste status as “SC-Mala/Adi-Andhra” . Based on the findings of the DLSC, the District Collector has cancelled the appellant caste certificates.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The appellate authority is observed that during the course of arguments that the appellant failed to appear and there is no representation for the appellant even though the appeal filed through Advocate and there is no oral arguments either by the appellant or his Advocate, since the proof of service of the notice is available on record that the appellant and his Advocate aware about the date of hearing but they failed to advanced their arguments and as such the same is treated as heard and the matter is decided based on the material available on record on merits. On verification of the documents, the grounds of appeal and para wise remarks as well as the other documents and material available on the record it is noticed that the appellant himself deposed on oath before the competent Judicial Magistrate of First Class that his parents are Christians and since his birth he is follower of the Jesus Christ which discloses that the appellant is a Christian by birth and living in the same practice. The said factum indicates the appellant not the person belongs to SC community and he belongs to BC-C community. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community

(Contd., Page.3)

Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri A. Jaya Rao, S/o A. Paramanandam, does not deserve any interference. Hence, Proceedings of the District Collector, Chittoor issued vide No.C3/SR1/Vedurukuppam/ 2005, dated 09.03.2016, is hereby upheld and the Appeal Petition filed by Sri A. Jaya Rao S/o A. Paramanandam, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Vedurukuppam deemed to be cancelled and the interim stay granted earlier stands vacated.

8. The District Collector, Chittoor is directed to take necessary consequential action in the matter.

9. The records (containing No.C3/SR1/Vedurukuppam/2005, dated 09.03.2016, pages: CF- 1-430 & NF-1-32) received from the District Collector, Chittoor through in the reference 5th read above, are returned herewith in original to the District Collector, Chittoor and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Chittoor.
(with original records) (BY RPAD)

Sri A. Jayarao S/o Paramanandam,
R/o Pachikapallem Village,
Vedurukuppam Mandal, Chittoor District.

Ms. V. Jagapathi(1082) & SK Muneer Basha, Advocates,
“Vijaya Soudha” R.K. Nagar,
Lower MasabTank, Hdyerabad-28.

The Executive Officer, T.T.D., Tirumala.

Copy to :
The PS to M(SWE&TWE).
The PS to Principal Secretary(SW).

// FORWARDED:: BY ORDER //

SECTION OFFICER